

EASEMENT FOR USE OF AIRSPACE

E18143

IX Q.2.

5-10-83

99.666 ✓

THE CITY OF OKLAHOMA CITY

OFFICE OF CITY CLERK
200 MUNICIPAL BLDG JRM

OKLAHOMA CITY, OKLAHOMA 73102

KNOW ALL MEN BY THESE PRESENTS:

104420 BOOK 5049 PG 26

Lakeside Business Park
 THAT _____, grantor(s), for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to ~~XXXXXXXXXXXXXXXXXXXX~~ and The City of Oklahoma City, a municipal corporation, grantees, a permanent easement for airspace beginning at a minimum of three hundred feet (300') above actual ground elevation above, over and across the surface of the following described property situated in Oklahoma County, State of Oklahoma, to wit: Replat of Lot 5, Block 6, Lakeside Business Park, Section 2 Oklahoma City, Oklahoma, Being a subdivision of a portion of the NE $\frac{1}{4}$ Sec. 15, T11N, R4W, I.M. Oklahoma County, Oklahoma

TO HAVE AND TO HOLD said easement unto the grantees, their successors and assigns for the sole and only purpose of providing for the free and unobstructed passage of all types of aircraft over the real property from which the above described airspace easement is conveyed. The use of such passage shall be unlimited as to frequency.

Said easement shall belong to and is conveyed for the benefit of the real property now commonly known as the Will Rogers World Airport, including any additions thereto, hereafter made by the grantees herein, their successors, assigns, or invitees, including any and all persons, firms or corporations operating aircraft to or from the Will Rogers World Airport.

This easement and the burden of it, together with all things which may be incident to or to result from the use and enjoyment of said easement including noise, vibrations, fumes, deposits of dust, or sear, interference with sleep, and any and all other things which may be alleged to be incident to, or result from the normal operation and flight of aircraft over or in the vicinity of the real property conveyed hereby or in landing at or taking-off from the Will Rogers World Airport, shall constitute permanent burden and servient tenements on the real property first above described and such burdens and tenements shall run with the land and be binding upon and enforceable against all successors and right, title or interest to said real property. As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence, or hereafter manufactured and developed, and shall include, but not be limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all other types of aircraft or vehicles now in existence or hereafter developed for the purpose of transporting persons or property through the air.

PROVIDED, HOWEVER, that nothing herein contained shall be construed as a prohibition or a limitation against the grantor, its successors and assigns, from selling, conveying, mortgaging, or otherwise encumbering the fee to all or any portion of the real property first above described so long as the rights of the grantees, their successors and assigns to the peaceful use and enjoyment of the air space above described shall not be disturbed.

Signed and delivered this 28th day of April, 1986.

STATE OF OKLAHOMA
Oklahoma COUNTY

Lakeside Business Park, A Joint Venture
 BY: Aero-Meridian Corp., Managing Partner

(States)

Charles H. Cooke
 Charles H. Cooke

Before me the undersigned a notary public, in and for said county and state, on 28th day of April, 1986, personally appeared Charles H. Cooke, who is known to be the undersigned person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purpose therein set forth.

Given under my hand and seal the day last above written.

My Commission Expires: 25 October 1986

Lee A. Coates
 Notary Public

STATE OF OKLAHOMA
 JERRY G. COATES
 AUG 19 10 05 AM '83
 STATE OF OKLAHOMA
 OKLAHOMA COUNTY
 RECORDED ON

Approved by the City Council of the City of Oklahoma City, Oklahoma, on the
60 day of May, 1983

ATTEST:

Tom P. Hurling
CITY CLERK

Andy Cook
MAYOR

Approved as to form and legality this

5th day of May, 1983
Daniel J. Brummett
Assistant Municipal Counselor

E 18143
300' above ground
Tookside Brummett Park III
JUL 5 1986
Owens
5-10-83

TO: Mayor and City Council

FROM: City Manager

A resolution accepting the subdivision bond and dedications contained in the final plat of the Replat of Lot 5, Block 6, Lakeside Business Park, Section 2 Oklahoma City, Oklahoma and an avigation easement for said plat. (Ward 3)

Location South of S.W. 29th and west of Meridian Avenue

Background The final plat of the Replat of Lot 5, Block 6, Lakeside Business Park, Section 2 Oklahoma City, Oklahoma was approved by the Planning Commission on August 26, 1982, subject to City Council's acceptance of the dedications and completion of the improvements or assurance for the completion of the improvements. An estimate of \$27,365 for water, \$20,936 for sanitary sewer, and \$82,490 for paving and storm sewer appears to be adequate for bonding purposes.

The developer is proposing six lots on this 22.11 acre tract. This area falls within the height restriction and noise zones for Will Rogers Airport and the developer has submitted an avigation easement for airspace.

Review This application was submitted to the following departments or agencies for review and comment:

- City-County Health
- * Parks and Recreation
- * COTPA
- * Fire
- * Police
- Public Services
- * Airports
- Oklahoma City School District
- * Engineering
- * Planning
- * Transportation
- * Code Administration

An asterisk indicates departments or agencies from which comments were received.

Recommendation: The resolution accepting the subdivision bond and dedications contained in the final plat of the Replat of Lot 5, Block 6, Lakeside Business Park, Section 2 Oklahoma City, Oklahoma, and an avigation easement for said plat be adopted, as recommended by the Planning Commission.



Scott Johnson
City Manager *pkd*

R E S O L U T I O N

WHEREAS, the final plat of the Replat of Lot 5, Block 6, Lakeside Business Park, Section 2 Oklahoma City, Oklahoma, an avigation easement for said subdivision, and the subdivision bond for said addition in the amount of:

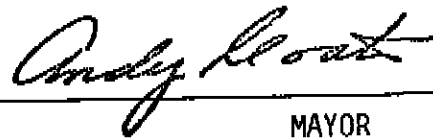
Water-----	\$ 27,365.00
Sanitary Sewer-----	20,936.00
Paving and Storm Sewer-----	82,490.00
TOTAL	\$130,791.00

herewith attached and made a part hereto have been submitted to the Council of the City of Oklahoma City for acceptance of the dedications contained in said plat as well as acceptance of the subdivision bond and avigation easement; and

WHEREAS, the Council determines that said dedications should be accepted, and the subdivision bond and avigation easement accepted and filed in the office of the Clerk of the City of Oklahoma City;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are directed to execute this acceptance of the dedications contained in the plat and to accept both the attached subdivision bond and avigation easement, and the City Clerk is further directed to file said bond with the official records of the City of Oklahoma City.

ADOPTED AND APPROVED by the Council of the City of Oklahoma City this
10th day of May, 1983.



MAYOR

ATTEST:



CITY CLERK

APPROVED as to form and legality this 4th day of May, 1983.



ASSISTANT MUNICIPAL COUNSELOR

C-3472
 REPLAT OF LOT 5 BLOCK 6
 LAKESIDE BUSINESS PARK
 SEC. 2
 DEV.; S.W. TITLE & TRUST CO.
 ENG.; BRAWLEY ENG. CO.

C-3473
 REPLAT OF A PART LOT 6,
 BLOCK 6, LAKESIDE BUSINESS
 PARK, SEC. 1
 DEV.; S.W. TITLE & TRUST CO.
 ENG.; BRAWLEY ENG. CO.

